

**Enrolled Minutes of the Fourteenth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, July 09, 2012**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 09, 2012 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed involving a resident's complaints regarding lighting from Markley Park.
3. The Town Council discussed with the Public Works Director an inquiry from a resident at 8730 Parrish Avenue, regarding the paving of the 8700 block.
4. The Town Council discussed the easements and sidewalks that have weeds growing near or through and whether any steps could be made to address the aesthetic.
5. The Town Council discussed the progress on the soccer field's construction at the Kleinman Avenue access to Sheppard Park and the timetable for completion.

The study session ended at 7:05 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, July 09, 2012 at 7:06 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Dan Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; George Georgeff, Commander in Metropolitan Police Department; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also present: Ed Dabrowski IT Director (Contract); Dennis Adams, Town Board of Metropolitan Police Commissioners; and Lisa Gauthier, Community Events Commission were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of June 25, 2012 were approved by general consent.

Staff Reports:

• **Building & Inspection Report for May 2012**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions Remodeling :	4	0	4	\$2,596,675.00	\$29,761.50
Signs:	6	0	6	\$11,058.00	\$1,615.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/ Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	90	90	0	\$486,905.00	\$9,589.50
Garages:	1	1	0	\$20,100.00	\$426.50
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	9	9	0	\$27,080.00	\$1,735.50
Fences:	18	18	0	\$58,324.00	\$2,014.00
Swimming Pools:	8	8	0		\$547.50
Drain Tile/ Waterproofing:	2	2	0	\$14,033.00	\$289.00
Misc.	2	2	0		\$146.00
TOTAL:	140	130	10	\$3,214,175.00	\$46,124.50
Electrical Permits:	23	18	5		\$2,779.50
Mechanical Permits:	5	3	2		\$447.50
Plumbing Permits:	7	3	2		\$1,134.25
Water Meters:	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
Total Plumb Permits:	7	3	4		\$1,134.25

May Code Enforcement:

Investigations: 173

Citations: 15

May Inspections:

Building: 48 Plumbing: 19 Electrical: 50 HVAC 0

Electrical Exams: 2

• **Building & Inspection Report for June 2012**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions Remodeling :	9	0	9	\$188,426.00	\$3,251.00
Signs:	4	0	4	\$49,782.00	\$1,534.50
Single Family:	2	2	0	\$469,139.00	\$5,634.00
Duplex/ Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	2	2	0	\$39,000.00	\$893.00

Residential Remodeling:	70	70	0	\$411,356.00	\$7,210.00
Garages:	2	2	0	\$31,035.00	\$743.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	13	13	0	\$26,048.00	\$2,260.00
Fences:	17	17	0		\$1,558.00
Swimming Pools:	5	5	0		\$365.00
Drain Tile/Waterproofing:	3	3	0	\$14,677.00.00	\$362.00
Misc.	6	5	1		\$2,532.75
TOTAL:	133	119	14	\$1,389,323.00	\$26,343.25
Electrical Permits:	30	22	8		\$3,188.00
Mechanical Permits:	21	19	2		\$1,793.50
Plumbing Permits:	16	13	3		\$2,558.50
Water Meters:	4	3	1		\$920.00
Water Taps	3	3	0		\$600.00
Sewer/Storm Taps	6	6	0		\$1,800.00
Total Plumb Permits:	29	25	4		\$5,878.50
June Code Enforcement:					
Investigations:	157				
Citations:	21				

May Inspections:

Building: 45 Plumbing: 15 Electrical: 38 HVAC 8
Electrical Exam: 1

• **Fire Department Report for June 2012**

	Month	Y.T.D.
General Alarms	8	56
Still Alarms	10	38
Paid still alarms	6	21
Total:	24	115

• **Workplace Safety Report for June 2012**

There was one incident. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2012	Total in 2011	Restricted Days 2012	Lost Workdays This Year	Restricted Days Last Year (2011)	Lost Workdays Last Year (2011)
Parks	0	0	0	0	0	0	0
Fire	0	0	1	0	0	1	0
Police	0	5	3	0	0	0	0
Street	0	1	5	0	0	2	0
Water & Sewer	1	3	4	0	0	4	77
Maint.	0	0	1	0	0	0	0
Other	0	0	2	0	0	0	0
TOTALS	1	9	16	0	0	7	77

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1514:** An Ordinance to Establish the Safe Neighborhood Grant Fund, under IC 36-1-3 et seq. There is such a fund at present created owing to the current grants being direct, advance grants. The character of these grants has changed to reimbursement grants, and therefore the fund must be established by action of the Town Council.

Councilor Kuiper introduced and moved the consideration of the Ordinance No. 1514 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Vassar moved the passage and adoption of the Ordinance No. 1514 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of introduction.

ORDINANCE No. 1514
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO ESTABLISH THE SAFE NEIGHBORHOOD FUND PURSUANT TO IC 36-1-3 AND IC 36-8-2 ET SEQUITUR.

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body;

WHEREAS, IC 36-8-2-2 confers the express authority for a local unit of government to establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities and equipment for that system;

WHEREAS, The Town of Highland, wishes to comply with the terms of a certain law enforcement grant to support its lawful purposes and sound administration; and

WHEREAS, The Town of Highland, through its Town Council now desires to continue to receive the proceeds of a certain law enforcement grant in support of the purposes identified in this ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be hereby amended by adding the section as follows:

§ XXX.01 ESTABLISHMENT of SAFE NEIGHBORHOOD GRANT FUND

(A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the *Safe Neighborhood Grant Fund*, pursuant to IC 36-1-3 et seq., and the Federally supported activity, styled as *Project Safe Neighborhoods Grant Program*;

(B) The *Safe Neighborhood Grant Fund* is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality and public safety purposes as are identified in *Project Safe Neighborhoods Grant Program* and the provisions of the *Project Safe Neighborhoods Task Force*;

(C) The sources of funding for the *Safe Neighborhood Grant Fund* include the following:

1. The particular grant distribution and reimbursement identified by CFDA No. 16.609 Project Safe Neighborhood Grant Program and as approved by the Indiana Criminal Justice Institute, in which the Town of Highland Metropolitan Police Department is a sub grantee;
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;

3. Gifts, donations and other voluntary contributions from any person to the fund consistent with the lawful purposes and objects of the fund, provided it is not inconsistent with the guidelines and rules regarding the use and accounting of the federal source proceeds of the grant program;
4. Money derived from state or federal reimbursement grants, matching funds, or contributions for such projects as may be consistent with the objects and purposes of this fund, and the associated grant, provided it is not inconsistent with the guidelines and rules regarding the use and accounting of the federal source proceeds of the grant program; and
5. Unexpended money on deposit to the current advance grant fund, styled as the Safe Neighborhoods Grant Fund, derived from state or federal reimbursement grants, matching funds, or contributions for such projects as may be consistent with the objects and purposes of this fund, and the associated grant, provided it is not inconsistent with the guidelines and rules regarding the use and accounting of the federal source proceeds of the grant program;

(D) The *Safe Neighborhood Grant Fund* is subject to the same appropriation process as other funds of the municipality that receive tax money;

(E) The *Safe Neighborhood Grant Fund* is established and remains in effect until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, or until the Safe Neighborhood Task Force Initiative ends, whichever comes first.

§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(A) Expenditures from the *Safe Neighborhood Grant Fund* shall only be used for the following purposes:

1. To pay the lawful costs and expenses associated with the public safety purposes as are identified in the *Project Safe Neighborhoods Grant Program and the provisions of the Project Safe Neighborhoods Task Force*; and
2. To pay the lawful costs and expenses associated with the particularly approved award activities particularly identified for carrying out a District Wide Training and Violence Reduction Initiative, as outlined and approved in the appropriate Grant Award documents associated with the *Project Safe Neighborhoods Grant Program and the provisions of the Project Safe Neighborhoods Task Force*;

(B) Expenditures from this fund shall be for and in support of the purposes set forth above according to Laws of the United States and according to guidelines set forth by the United States Department of Justice and the relevant office, governing this grant. Furthermore, expenditures from the Fund may be made pursuant to the laws, of the United States and the guidelines of the United States Department of Justice.

§ XXX.03 EXPENDITURE UPON APPROPRIATION

(A) The expenditures from the *Safe Neighborhood Grant Fund* are hereby deemed dedicated and appropriated for the purpose for which the fund is specifically dedicated, may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4;

(B) *The lawful expenditures as described herein are deemed as an allowable advance expense according to the terms of I.C. 36-5-4-12(b)(13).*

§ XXX.04 INVESTMENTS AUTHORIZED

Money in the *Safe Neighborhood Grant Fund* may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and the provisions of the Highland Municipal Code governing investments and deposits.

§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS

(A) All unused and unencumbered cash on deposit to the credit of the *Safe Neighborhood Grant Fund* does not revert to the corporation general fund nor to any other fund but shall remain with the *Safe Neighborhood Grant Fund* until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, or until the Safe Neighborhood Task Force Initiative ends, whichever comes first, all according to Laws of the United States and according to guidelines set forth by the United States Department of Justice and the relevant office, governing this grant;

(B) Unless otherwise provided, if all cash on deposit to the fund is expended, the municipal fiscal officer shall be authorized to retire the fund, following completion of the required audit by the State Board of Accounts, provided the participation of the Town of Highland Metropolitan Police Department in the Safe Neighborhood Task Force, has ended;

(C) *Fiscal Officer and Cashbook Duties.* That the clerk-treasurer, as municipal fiscal officer, is hereby encouraged and authorized to perform such duties and keep such accounts as to fulfill the purpose of the resources of the *Safe Neighborhood Grant Fund* all consistent with the provisions of IC 5-13-5 et seq.;

Section 2. The current fund is hereby reestablished and re-named the *Safe Neighborhood Grant Fund*, has full identity with the fund established by this ordinance, and *all funds* on deposit to the current advance grant fund, styled as the Safe Neighborhoods Grant Fund, continue to be resources for the fund established by this ordinance, which exists for all the same purposes, but was operated under rules for advance grants;

Section 3. That the Clerk-Treasurer is authorized to facilitate the ordered codification of this ordinance, including organizing the provisions, and assigning section numbers to provide for its successful incorporation into the municipal code;

Section 4. Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adopted upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 9th day of July 2012. Consideration on First Reading Sustained a vote of 5 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of July 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. Receipt and acknowledgement of Petition regarding reconstruction of 2800-2900 blocks of 98th Street and instruction to Public Works Director.

Councilor Herak moved to acknowledge receipt of signed petitions regarding a possible 98th Street Improvement project and to authorize the Public Works Director to engage professional engineer for design services. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Public Works Director was authorized to engage design-engineering services.

Appointments:

Appointing Authority: Municipal Executive (Town Council President)

1. Appointment of Alternative Member to the Advisory Board of Zoning Appeals, pursuant to IC 36-7-4-907(a). An alternate member is suggested to serve the stead of Steve Wagner during his extended absence, and the number of matters pending before the ABZA.

The Town Council President noted that Steven Wagner is otherwise unavailable to participate in several hearings or decisions that may come before the Advisory Board of Zoning Appeals, owing to his role in USWA negotiations. He then announced his appointment of Mark A. Herak to serve as the alternate for Steve Wagner during his protracted absence.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak commended all departments and the Community Events Commission for their role and work making the Independence Day festival go well.

Councilor Herak recognized the Parks and Recreation Superintendent who provided a cursory survey of park programs.

Councilor Herak also remarked that he believed that the Town Council should consider opposing the 911 consolidation efforts of the county.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison.*

Councilor Vassar commended the Community Events Commission for its role in the Independence Day Festival and parade.

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going redevelopment activities and the facade improvement program.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper also commended the Community Events Commission and the carnival workers for the Independence Day festival.

Councilor Kuiper recognized the Fire Chief who offered a cursory survey of departmental activity during the recent Independence Day festival.

- **Councilor Brian Novak:** *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member • Northwestern Indiana Regional Planning Commission member • Lake County Solid Waste Management District Board Member.*

Councilor Novak commended the Community Events Commission for its role in the Independence Day Festival and parade. With leave from the Town Council, he read a letter received from Rev. Fred Standridge complimenting the Town regarding its programming for Independence Day.

Councilor Novak recognized the Building Commissioner who offered a brief survey regarding matters before the Advisory Board of Zoning Appeals.

Councilor Novak also recognized the Metropolitan Police Chief who offered a cursory survey of matters before the Traffic Safety Commission.

- **Councilor Bernie Zemen:** *Town Executive • Chamber of Commerce Liaison • Police Pension Board Chairman • Plan Commission member • Liaison to the Board of Waterworks Directors.*

Council President Zemen commended the Community Events Commission for its role in the Independence Day Festival and parade.

Comments from Visitors or Residents:

1. Dave Boomer, 8420 Delaware Street, Highland, reported that Lansing does not permit walkers to issue or throw candies in parades for child safety.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Novak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period June 26, 2012 through July 09, 2012 as well as the Payroll Dockets for the paydays of May 18, June 1 and June 15th of 2012. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as well as the payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$176,233.89; **Motor Vehicle Highway and Street (MVH) Fund**, \$18,471.87; **Law Enforcement Cont. Education and Supply Fund**, \$285.07; **FSA Agency Fund**, \$1,503.78; **Information and Communications Technology Fund**, \$1,110.89; **Corporation Donation Fund**, \$645.68; **Special Events Non Reverting Fund**, \$17,570.28; **Police Pension Fund**, \$61,075.27; **Municipal Cumulative Capital Development Fund**, \$41,875.96; **Traffic Violations and Law Enforcement Agency Fund**, \$2,707.50; **Sexual Predator Grant Fund**, \$4,896.00; **Corporation Capital Fund**, \$33,764.80; **Payroll Fund**, \$3.51. **Total: \$360,144.50.**

Payroll Docket, payday of May 18, 2012:

Council Boards and Commissions, \$8,552.00; *Office of the Clerk-Treasurer*, \$15,939.55; *Building and Inspection Department*, \$7,162.12; *Metropolitan Police Department*, \$117,488.26; *Fire Department*, \$2,654.57; *Public Works Department (Agency)*, \$55,666.66; and *Police Pension Trust Fund (1925 Act)*, \$69,533.57; **Total: \$276,996.73.**

Payroll Docket, payday of June 1, 2012:

Council Boards and Commissions, \$0.00; *Office of the Clerk-Treasurer*, \$15,819.42; *Building and Inspection Department*, \$8,411.57; *Metropolitan Police Department*, \$ 122,306.69; *Fire Department*, \$3,557.35; *Public Works Department (Agency)*, \$74,752.36; and *Police Pension Trust Fund (1925 Act)*, \$0.00; **Total: \$224,847.39.**

Payroll Docket, payday of June 15, 2012:

Council Boards and Commissions, \$0.00; *Office of the Clerk-Treasurer*, \$12,030.77; *Building and Inspection Department*, \$6,954.81; *Metropolitan Police Department*, \$ 108,077.716; *Fire Department*, \$2,851.57; *Public Works Department (Agency)*, \$62,533.68; and *Police Pension Trust Fund (1925 Act)*, \$0.00; **Total: \$192,448.54.**

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, July 09, 2012 was adjourned at 7:36 O'clock p.m. There was a study session following the plenary meeting.

Study Session. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, June 25, 2012 at 7:45 O'clock P.M. in the regular place, but the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also Present: Rhett L. Tauber, Town Attorney; and John M. Bach, Public Works Director, were also present.

General Substance of Matters Discussed.

1. The Town Council, the Town Attorney, and the Public Works Director continued a discussion from the Post plenary meeting Study Session of June 25, 2012 an incident involving employees in his department (agency), in particular an episode between a veteran full-time worker, and some female summer workers. The Public Works Director reported that the matter involved inappropriate remarks believed to have been made by the worker of a sexual explicit nature, in the audible and proximate to some female summer workers. The incident it was suggested, raised concerns about the creation of a hostile work place and related concerns regarding harassment.

During discussion, there was some exploration whether the disciplinary response was consistent, and clarifying the timetable of events and alleged behaviors that informed the disciplinary action.

There being no further matters to discuss, the Study Session following the plenary business meeting of Highland Town Council of Monday, July 09, 2012 was adjourned at 8:07 p.m. O'clock.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer